

R5 Z OCEAN TERRACE MXE ZONING DISTRICT CHANGE TO CD-2 – ZONING MAP AMENDMENT

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 7.2.1.2 OF THE MIAMI BEACH RESILIENCY CODE, ENTITLED “DISTRICT MAP,” PURSUANT TO SECTION 2.5.1, ENTITLED “CHANGE TO ZONING DISTRICT BOUNDARIES (REZONING),” BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE MXE (MIXED-USE ENTERTAINMENT) DISTRICT LOCATED IN NORTH BEACH ALONG OCEAN TERRACE BETWEEN 73RD AND 75TH STREETS, AND WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT ZONING CLASSIFICATION OF MXE “MIXED USE ENTERTAINMENT,” TO CD-2, “COMMERCIAL, MEDIUM INTENSITY”; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

Applicable Area:

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: February 26, 2025 5:02 p.m. First Reading Public Hearing\*\*

TITLE: OCEAN TERRACE MXE ZONING DISTRICT CHANGE TO CD-2 – ZONING MAP AMENDMENT  
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 7.2.1.2 OF THE MIAMI BEACH RESILIENCY CODE, ENTITLED “DISTRICT MAP,” PURSUANT TO SECTION 2.5.1, ENTITLED “CHANGE TO ZONING DISTRICT BOUNDARIES (REZONING),” BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE MXE (MIXED-USE ENTERTAINMENT) DISTRICT LOCATED IN NORTH BEACH ALONG OCEAN TERRACE BETWEEN 73RD AND 75TH STREETS, AND WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT ZONING CLASSIFICATION OF MXE “MIXED USE ENTERTAINMENT,” TO CD-2, “COMMERCIAL, MEDIUM INTENSITY”; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

The Administration recommends that the Mayor and City Commission (City Commission) approve the subject ordinance at First Reading and schedule a Second Reading public hearing for April 23, 2025.

### **BACKGROUND/HISTORY**

On May 15, 2024, at the request of Commissioner Tanya K. Bhatt, the City Commission referred a proposal to modify the zoning classification of the Ocean Terrace area (C4 AD) to the Land Use and Sustainability Committee (LUSC) and the Planning Board. On June 10, 2024 the item was deferred to the July 9, 2024 LUSC meeting with no discussion and on July 9, 2024, the item was deferred to the September 5, 2024 meeting, with no discussion.

On September 5, 2024, the LUSC discussed the item and recommended that the Planning Board transmit the proposed ordinances to the City Commission with favorable recommendations.

### **ANALYSIS**

The City’s zoning map includes two Mixed-Use Entertainment (MXE) zoning districts – one in South Beach, along Collins Avenue and Ocean Drive; and the other in North Beach, along Ocean Terrace. The MXE designation was created, in part, to incentivize redevelopment, especially for hotel and entertainment uses.

The properties to the west of the North Beach MXE district are currently zoned CD-2 (commercial, medium intensity district). To ensure consistency and compatibility of future development, the attached ordinance proposes to re-zone this district in North Beach from MXE to CD-2. A separate, companion amendment to the future land use map will change the future land use designation from MXE to CD-2. For reference, maps illustrating the existing and proposed zoning and future land use designations are attached.

This change will not result in more intense development than is currently permitted in the subject area. The redevelopment projects underway along Ocean Terrace would not be impacted by a re-zoning from MXE to CD-2.

### **PLANNING BOARD REVIEW**

On January 7, 2025, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (7-0).

### **APPLICATION FEE WAIVER**

The subject amendment is proposed on a comprehensive, citywide basis, and not on behalf of a private applicant or third party. Pursuant to section 2.4.1.c of the Land Development Regulations of the City Code, amendments to the City Code require the payment of the applicable fees in section 2.2.3.5, 2.2.3.6, and appendix A to the City Code. These fees may be waived by a five-sevenths (5/7ths) vote of the City Commission, based upon one or more of the following circumstances:

1. The City Commission determines that the proposed amendment is necessary due to a change in federal or state law, or to implement best practices in urban planning, or based on circumstances unique to the proposed amendment.
2. Upon the written recommendation of the City Manager acknowledging a documented financial hardship of a property owner(s) or developer(s).
3. If requested, in writing, by a non-profit organization, neighborhood association, or homeowner's association for property owned by any such organization or association, so long as the request demonstrates that a public purpose is achieved by enacting the applicable amendment.

The Administration recommends that the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

### **FISCAL IMPACT STATEMENT**

No Fiscal Impact

**Does this Ordinance require a Business Impact Estimate?** Yes  
(FOR ORDINANCES ONLY)

**If applicable, the Business Impact Estimate (BIE) was published on:**

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

### **FINANCIAL INFORMATION**

Not Applicable

### **CONCLUSION**

The Administration recommends the following:

1. The City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for April 23, 2025.
2. In accordance with section 2.4.1.c.1 of the Land Development Regulations of the City Code, the City Commission waive the applicable fees based on circumstances unique to the

proposed amendment.

**Applicable Area**

North Beach

**Is this a “Residents Right to Know” item,  
pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond  
Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481,  
includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

**Department**

Planning

**Sponsor(s)**

Commissioner Tanya K. Bhatt

**Co-sponsor(s)**

**Condensed Title**

5:02 p.m. 1st Rdg PH, Ocean Terrace MXE Zoning District Change to CD-2–Zoning Map  
Amendment. (Bhatt) PL 5/7

**Previous Action (For City Clerk Use Only)**

## **Ocean Terrace MXE Zoning District Change to CD-2 – Zoning Map Amendment**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 7.2.1.2 OF THE MIAMI BEACH RESILIENCY CODE, ENTITLED “DISTRICT MAP,” PURSUANT TO SECTION 2.5.1, ENTITLED “CHANGE TO ZONING DISTRICT BOUNDARIES (REZONING),” BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE MXE (MIXED-USE ENTERTAINMENT) DISTRICT LOCATED IN NORTH BEACH ALONG OCEAN TERRACE BETWEEN 73<sup>RD</sup> AND 75<sup>TH</sup> STREETS, AND WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT ZONING CLASSIFICATION OF MXE “MIXED USE ENTERTAINMENT,” TO CD-2, “COMMERCIAL, MEDIUM INTENSITY”; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, this Ordinance pertains to properties located in North Beach, along Ocean Terrace between 73rd and 75th Streets; and

**WHEREAS**, this district is currently classified on the zoning map and future land use map as MXE (Mixed Use Entertainment) (the “District”); and

**WHEREAS**, the properties to the west of the District are currently zoned CD-2 (Commercial, Medium Intensity district); and

**WHEREAS**, a companion Ordinance will change the Future Land Use Map (“FLUM”) classification of the District to CD-2, Commercial, Medium Intensity; and

**WHEREAS**, to ensure the consistency and compatibility of future development, this Ordinance changes the zoning map classification of the District to CD-2, Commercial, Medium Intensity; and

**WHEREAS**, the amendment set forth below is necessary to formally accomplish the proposed zoning district change.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

### **SECTION 1. ZONING MAP AMENDMENT**

The following amendments to the City’s zoning map designations for the properties described herein are hereby approved and adopted, and the Planning Director is hereby directed to make the appropriate changes to the zoning map of the City:

Lots 1-7, Block 10, and Lots 1-7, Block 1, of Harding Townsite, as recorded in Plat Book 34, Page 4 of the public records of Miami-Dade County, Florida, shall be changed from the current zoning classification of MXE “Mixed Use Entertainment,” to CD-2, “Commercial, Medium Intensity.”

### **SECTION 2. REPEALER**

All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 3. SEVERABILITY**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 4. CODIFICATION**

It is the intention of the City Commission that the Official Zoning District Map, referenced in Section 7.2.1.2 of the Resiliency Code of the City of Miami Beach, Florida be amended in accordance with the provisions of this Ordinance.

**SECTION 5. EFFECTIVE DATE**

The ordinance shall take effect 31 days after adoption pursuant to Section 163.3187(2), Florida Statutes.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
Steven Meiner, Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

2/18/2025  
\_\_\_\_\_  
Date

NK

First Reading: February 26, 2025  
Second Reading: April 23, 2025

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

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**MIAMI BEACH**  
PLANNING DEPARTMENT

**ZONING MAP / FUTURE  
LAND USE MAP (EXISTING)**

1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 P 305.673.7550 [www.miamibeachfl.gov](http://www.miamibeachfl.gov)







**MIAMI BEACH**  
PLANNING DEPARTMENT

**ZONING MAP / FUTURE  
LAND USE MAP (PROPOSED)**

1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FLORIDA 33139 P 305.673.7550 [www.miamibeachfl.gov](http://www.miamibeachfl.gov)





## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

OCEAN TERRACE MXE ZONING DISTRICT CHANGE TO CD-2 – ZONING MAP AMENDMENT  
AN ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE MXE (MIXED-USE ENTERTAINMENT) DISTRICT LOCATED IN NORTH BEACH ALONG OCEAN TERRACE BETWEEN 73RD AND 75TH STREETS, WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT ZONING CLASSIFICATION OF MXE “MIXED-USE ENTERTAINMENT,” TO CD-2, “COMMERCIAL, MEDIUM INTENSITY”

FEBRUARY 26, 2025 AND APRIL 23, 2025  
CITY COMMISSION MEETINGS

NOTICE IS HEREBY GIVEN that on **February 26, 2025, at 5:02 p.m.**, or as soon thereafter as the matter can be heard, the Mayor and City Commissioners of the City of Miami Beach will hold a First Reading/Public Hearing on the following proposed Ordinance:

OCEAN TERRACE MXE ZONING DISTRICT CHANGE TO CD-2 – ZONING MAP AMENDMENT

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 7.2.1.2 OF THE MIAMI BEACH RESILIENCY CODE, ENTITLED “DISTRICT MAP,” PURSUANT TO SECTION 2.5.1, ENTITLED “CHANGE TO ZONING DISTRICT BOUNDARIES (REZONING),” BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE MXE (MIXED-USE ENTERTAINMENT) DISTRICT LOCATED IN NORTH BEACH ALONG OCEAN TERRACE BETWEEN 73RD AND 75TH STREETS, AND WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT ZONING CLASSIFICATION OF MXE “MIXED USE ENTERTAINMENT,” TO CD-2, “COMMERCIAL, MEDIUM INTENSITY”; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE. This Ordinance is being heard pursuant to Chapter 2, Article IV of the Resiliency Code. Inquiries may be directed to the Planning Department at 305.673.7550.

If this proposed Ordinance is approved on First Reading, then on **April 23, 2025, at 9:16 a.m.**, or as soon thereafter as the matter can be heard, the Mayor and City Commissioners of the City of Miami Beach will hold a **Second Reading/Public Hearing** on the proposed Ordinance.

During the February 26, 2025, and April 23, 2025 Hybrid Commission Meetings, the City of Miami Beach will host a Hybrid Commission Meeting. During the Hybrid Commission Meeting, the City Commission will be physically present in the **Commission Chamber at 1700 Convention Center Drive, 3rd Floor, Miami Beach, Florida 33139.**

Members of the public who wish to attend this Commission Meeting or provide public comment in person may appear at the Commission Chamber. Applicants and members of the public who want to participate or provide comment virtually during the Commission Meeting may join the webinar at <https://miamibeachfl.gov.zoom.us/j/81392857671> or via telephone at 1.305.224.1968 (U.S.) or 888.475.4499 (Toll-Free). Webinar ID: 81392857671#. Members of the public wanting to speak virtually on an item during the meeting must click the “raise hand” icon if using the Zoom app or press “9” on the telephone to raise their hand.

INTERESTED PARTIES are invited to participate in this meeting or be represented by an agent. The public may submit written comments on Commission Meeting Items by either submitting an eComment through the agenda page at <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda> and clicking the comment bubble icon in the “Current and Upcoming Meetings” section or by emailing [CityClerk@miamibeachfl.gov](mailto:CityClerk@miamibeachfl.gov) with the Agenda Item Number in the subject line. Comments received in either format will be accepted until 5:00 p.m. the day before the meeting. All submissions will be forwarded to the Mayor and Commissioners and included in the meeting record.

Copies of Agenda Items are available for public inspection at: <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda>. This meeting, or any item therein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission concerning any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent from the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in an alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2ADA (2232) and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

The City Commission Meeting will be broadcast live on Miami Beach TV (MBTV), viewable on the City's website at <https://www.miamibeachfl.gov/government/mbtv/>, Breezeline Cable channel 660 or 2004 (HD), AT&T U-verse channel 99, Hotwire Communications channel 395, and ROKU device on PEG.TV channel, and on social media at <https://www.facebook.com/cityofmiamibeach>.

To review the Business Impact Estimates for the above proposed Ordinance, please visit <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>.

### Parking

Meeting attendees can park at the City Hall Garage, 1755 Meridian Avenue, Miami Beach, Florida 33139.

Rafael E. Granado, City Clerk  
City of Miami Beach  
[CityClerk@miamibeachfl.gov](mailto:CityClerk@miamibeachfl.gov)  
305.673.7411  
AD: 02262025-02 / 04232025-02

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